DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-1220-22 **Applicant:** Dunster House

Proposal: Erection of 3 manufacturing units and part change of use from agricultural land to light industrial (change of use to accommodate Units 2 & 3)

Location: S M C Belchmire Lane Gosberton

Terminal Date: 14th June 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio

National Guidance

National Planning Policy Framework 2021

6 - Building a strong, competitive economy
12 - Achieving well-designed places
15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
MATTHEW ADAMS - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND	0	0	0	1

DEEPINGS INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	0	0	1

Route for determination of application	**Delegated**	X	**Committee**	

CASE OFFICER ASSESSMENT

REASON FOR REFERRAL TO CHAIRMAN'S PANEL

The extension to the business seeks to develop on adjacent agricultural land in the countryside.

PROPOSAL

This is a full planning application at S M C, Belchmire Lane, Gosberton for the erection of 3 manufacturing units and part change of use from agricultural land to light industrial (change of use to accommodate Units 2 & 3). The proposal seeks to provide three units to the south and east of the existing buildings, with Unit 1 sited within the existing site boundaries, and Units 2 and 3 on adjacent agricultural land to the east. The proposal area of agricultural land for conversion totals 1.2 hectares, with the total site area being 3.79 hectares in size. The proposal to convert the land would see an increase of the site by slightly less than 50%.

The three units will be used for the storage and manufacture of timber goods produced by the business on site. The current agricultural land will be provided with hardstanding to create suitable vehicle and pedestrian circulation. The boundary treatment will be either wire mesh fencing or steel palisade fencing. The existing number of on site parking spaces is 26, with an additional 24 spaces being sought, to bring the total number of on site parking spaces to 50. The hours of operation for the site are Monday to Friday 08:30 to 17:30 and are not proposed to change.

Unit 1 is to be 45 metres wide, 25 metres deep, have an eaves height of 4.5 metres, and a ridge height of 5.825 metres. Two 6 metre by 4 metre roller doors will be sited in the front elevation, along with two personnel doors. Two personnel doors will be sited on the rear elevation, with eight rooflights on each side of the roof slope. Proposed material of construction is goosewing grey Kingspan cladding panels on the walls and roof.

Unit 2 is to be 60 metres wide, 30 metres deep, have an eaves height of 4.5 metres, and a ridge height of 6.085 metres. Two 6 metre by 4 metre roller doors will be site in the front elevation, along with two personnel doors. One personnel door will be sited on the rear elevation, with ten rooflights on each side of the roof slope. Proposed material of construction is goosewing grey Kingspan cladding panels on the walls and roof.

Unit 3 is to be 25 metres wide, 55 metres deep, have an eaves height of 4.5 metres, and a ridge height of 5.825 metres. Two 6 metre by 4 metre roller doors will be sited in the west facing front elevation, along with two personnel doors. Two personnel doors will be sited on the rear elevation, with ten rooflights on each side of the roof slope. Proposed material of construction is goosewing grey Kingspan cladding panels on the walls and roof.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits to the south-east of Gosberton. The surrounding area is predominately rural, characterised by linear development of varying ages and design. The site is in Environment Agency Flood Zone 3 but is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The submitted Flood Risk Assessment document states that a Flood Warning and Action Plan is to be created to protect workers on site. Surface water will be discharged to the existing adjacent watercourse to the south.

RELEVANT HISTORY

H08-0809-86

Full - (a) Change of use of land (agricultural to industrial) (b) Change of use of bungalow (domestic to industrial) - Approved - 03 November 1986.

H08-0067-91

Full - Extension to existing workshop - Phase 2 & erection of pattern store (Class B1 Gen Ind Use) - Approved - 12 June 1991.

H08-0677-92

Full - New office and workshop building and provision of new access - Withdrawn - 01 December 1992

H08-1236-92

Full - New offices and workshop - Approved - 28 January 1993.

H08-1272-92

Full - Open sorting shed and portacabin - Approved - 22 March 1993.

H08-0435-98

Full - A permanent travelling gantry crane facility - Approved - 29 July 1998.

H08-0427-05

Full - Alterations to external elevations (new screen and windows) - Approved - 18 May 2005.

H08-1606-05

Full - Industrial development - erection of 3 industrial buildings - Refused - 27 February 2006.

H08-0914-06

Full - Extension to existing industrial building - Approved - 04 October 2006.

H08-0227-21

Full - Erection of 2 Industrial Buildings - Approved - 22 June 2021.

H08-1140-21

Full - Erection of 3 GRP transformer cabinets in connection with existing use - Approved - 09 December 2021.

H08-0556-22

Full - Proposed Kiln - Approved - 05 July 2022

CONSULTATION RESPONSES

Lincolnshire County Council - Historic Environment Officer

"No archaeological impact."

Lincolnshire County Council - Highways & SUDS Officer

No objection - *"The proposed units would be an extension of the existing facility at this site and would be accessed from the existing vehicle access onto the B1397 Belchmire Lane that is of a good constructional standard. This access has suitable visibility in both directions for drivers to be able to see any approaching traffic and has proven, by usage, to be suitably safe for use by commercial vehicles. The site is a little way outside of the established settlement boundary of Gosberton and ideally, there should be a footway connection to the village, so that the facility can be accessed on foot. However, in places, the front gardens of properties along Belchmire Lane come all the way up to the carriageway edge and elsewhere, the presence of deep roadside watercourses preclude a cost-effective means of constructing such a footway. Given that the existing units on the site have operated for several years without a footway link, it is considered that this absence would not be sufficient grounds, in this case, to withhold the grant of Consent. In consideration of the above, the highway authority does not wish to object to the grant of Consent for this Application."*

South Holland District Council - Environmental Protection

"No objection but wish to attach the following condition: Noise from fixed plant and machinery shall not exceed the background noise level by more than 5dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership."

Lincolnshire Police

No objections - Provides security guidance.

Anglian Water

Requests a condition for further details of foul water disposal.

Welland & Deepings Internal Drainage Board

"The Board would be prepared to accept the additional proposed impermeable areas to discharge surface water through the existing surface water discharge outfall which is already restricted to a maximum flow of five litres per second. This would be subject to the correct application being made in advance of connection to the Board's system. The application would also be subject to the agreement of technical details, as well as payment of the correct application fee and development contribution."

Environment Agency

No comments.

Gosberton Parish Council

Part of comments on behalf of a resident have been removed for GDPR reasons.
"...concerned about noise from site at night, and music broadcast during daytime. Site needs to be screened by bushes, trees or hedges. Concerned about increased traffic in Belchmire Lane."

Member of the public - 1

"If granted, planning permission should preclude:
1) any increase in traffic along Belchmire Lane;
2) noise from any part of the SMC site during night-time."

PLANNING CONSIDERATIONS

Principle of Development - Countryside

The SELLP sets out the settlement hierarchy in respect of delivering sustainable development that

meets the social and economic needs of the area, whilst protecting and enhancing the environment; whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (SELLP) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the Sub-Regional Centres, followed by Main Service Centres. Lower down the sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within the 'Countryside', development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Given the location of the site, this proposal is assessed against SELLP Policy 1 titled - Spatial Strategy, with the relevant section in this policy being titled Countryside. As outlined above, in the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

When assessed against the relevant criteria the following can be observed:

The proposal is for development of agricultural land in the open countryside.

However, given the drive for sustainable development in the National Planning Policy Framework and the opportunity to support the growth of an existing successful local business, as well as retain and grow local employment, it is considered that a planning argument can be made that supports expansion of this site.

Taking the three strands of sustainable development:

Economic - The units hereby being proposed will help to support the growth of an existing business.

Social - The retention of a successful business on this site will prevent the applicant seeking a larger site, potentially outside of the district, and therefore, help to preserve local jobs. The proposal will also retain the use of and established office building and accompanying units, thereby not leaving empty buildings when the applicant seeks to grow their business elsewhere.

Environmental - The application proposes the loss of 1.2 hectares of agricultural land. Whilst this is regrettable the environmental benefits are considered to justify the loss. The applicant will not seek to increase their carbon footprint through the development of a new site elsewhere and existing workers are likely to not increase their carbon footprint by travelling further afield to continue their role. Additionally the nature and intensity of timber construction work undertaken cannot be served by a site within the defined settlement limits of Gosberton. Additionally, the likely amenity impact from noise and vehicular movements would not lead to significant environmental health concerns.

In respect of the National Planning Policy Framework, paragraph 81 states: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."

Paragraph 84 of NPPF goes on to state: "Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
b) the development and diversification of agricultural and other land-based rural businesses
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

Furthermore, paragraph 85 of the NPPF states: "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

In respect of the above, when assessed against paragraphs 81, 84 and 85, it is considered that this proposal will allow S M C to invest, expand and generate economic growth. Whilst the criterion of points b, c and d of paragraph 84 are not considered applicable to the application at hand, the proposal is considered to accord with criterion a. in that the proposal would result in the erection of a new built form, in order to allow the site to undertake sustainable growth in a rural area with well-designed new buildings.

Furthermore, the proposal will aide business and community needs in a rural area. The development, although sizeable, is considered to be sensitive to the surrounding area. Whilst a footpath serving the site would be desirable, the Highways Officer has observed that due to any route being impacted by drains and frontage gardens, a footpath would not be achievable.

Consequently to the above, the proposal is considered to accord with SELLP Policy 1 and paragraphs 81, 84 and 85 of the National Planning Policy Framework. Further to this, subsequent assessment is shown below to demonstrate that the application is also considered to accord with Policies 2, 3 and 7 of the SELLP, 2019, as well as Sections 6 and 12 of the NPPF, 2021.

Assessment against SELLP Policy 2 - Development Management

This proposal is also assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the relevant criteria the following can be observed:

1. The size, scale, density and layout of the proposed buildings is considered to be appropriate for the site, resultant use and purpose to which it supports the existing business. The proposed siting is considered to be well positioned without being overdeveloped. A line of established trees to the western boundary will be removed to allow for the expansion of the site. The buildings are in keeping with the existing buildings on site and the other light industrial buildings in the vicinity of the site.

2. The design is in keeping with the existing storage / manufacturing buildings on site, and the orientation best enables the manoeuvrability of vehicles on site without leaving large areas of

undeveloped land.

3. The proposed material of construction is goosewing grey Kingspan cladding panels on the walls and roof. Whilst not comprising materials that have a specific impact on sustainability, this material is in keeping with the existing buildings on site and other buildings in the surrounding area.

4. An existing vehicular access is to be utilised to access the new buildings. Concerns have been expressed with regard to increase in traffic; however, Belchmire Lane is regularly populated by agricultural vehicles and heavy good vehicles serving other arable and light industrial businesses in the area. The existing number of on site parking spaces is 26, with an additional 24 spaces being sought, to bring the total number of on site parking spaces to 50. Lincolnshire County Council Highways & SUDS Officer has no objections to the submitted details.

5. The capacity of existing community services and infrastructure is not materially impacted by this proposal.

6. The nearest properties to the site are Collys Cottage on Wargate Field Lane which is 430 metres to the south of the nearest new building. 60 Belchmire Lane, 200 metres to the north, and 29 Spalding Road, 500 metres to the east. Due to the siting of the buildings in close proximity to the existing buildings, there is not considered there will be a material increase in noise, odour or disturbance arising from the proposal that would be deemed unacceptable. The site does not operate during evening hours and no formal complaints regarding noise have been made to the Environmental Protection Department. With regard to visual intrusion the following can be observed:

Overdevelopment - Whilst the existing site is being expanded, the proposal is not considered to represent overdevelopment. The existing density and design of the site is respected, and large distances to existing residential dwellings are maintained.

Overshadowing - When right to light lines are drawn, no buildings outside of the proposal site are impacted by a material loss of light.

Overlooking - The proposed windows serving the three proposed units are 2 metres above ground level. Due to the access doors being at least 200 metres from a property there is not considered to be an overlooking aspect from the proposed buildings.

7. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Because the buildings are for non-residential purposes, there is not a requirement to raised finished floor levels to address potential flood risk. The submitted Flood Risk Assessment document states that a Flood Warning and Action Plan is to be created to ensure to protect workers on site. Surface water will be discharged to the existing adjacent watercourse to the south. Welland & Deepings Internal Drainage Board has requested an application to the Board for discharge of surface water to the adjacent watercourse. Anglian Water has requested a Condition seeking further foul water drainage details.

8. There are no significant impacts in this regard.

9. There are no impacts in this regard.

On the basis of the above considerations this application is considered to be in broad conformity with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed development would have on local character.

Specifically, paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote

health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Similarly, this proposal is also assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

"All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings."

When assessed against the relevant criteria the following notable issues can be observed:

1. The size, scale, density and layout of the proposed buildings is considered to be appropriate for the site. The proposed siting is well positioned without being overdeveloped. A line of established trees to the western boundary will be removed to allow for the expansion of the site. The buildings are in keeping with the existing buildings on site and the other light industrial buildings in the vicinity of the site. A sense of place is not considered to be impacted by this proposal.

2. There are no impacts in this regard.

3. There are no impacts in this regard.

4. The site is realistically only accesible by private vehicle by virtue of the remote location and lack of footpaths serving the site. The County Highways & SUDS Officer has no objections to the submitted details.

5. Ample space remains on site for bicycle and bin storage. An existing vehicular access is to be utilised to access the new buildings. Concerns have been expressed with regard to increase in traffic. However Belchmire Lane is regularly populated by agricultural and heavy good vehicles serving other arable and light industrial businesses in the area. The existing number of on site parking spaces is 26, with an additional 24 spaces being sought, to bring the total number of on site parking spaces to 50. The County Highways & SUDS Officer has no objections to the submitted details.

6. There are no impacts in this regard.

7. There are no impacts in this regard.

8. There are no impacts in this regard.

9. There are no impacts in this regard.

10. There are no impacts in this regard.

11. The nearest properties to the site are Collys Cottage on Wargate Field Lane which is 430 metres to the south of the nearest new building. 60 Belchmire Lane, 200 metres to the north, and 29 Spalding Road, 500 metres to the east. Due to the siting of the buildings in close proximity to the existing buildings, there is not considered to be a material increase in noise, odour or disturbance arising from the proposal. The site does not operate during evening hours and no formal complaints regarding noise have been made to the Environmental Protection Department. With regard to visual intrusion the following can be observed:

Overdevelopment - Whilst the existing site is being expanded, the proposal is not considered to represent overdevelopment. The existing density and design of the site is respected, and large distances to existing residential dwellings are maintained.

Overshadowing - When right to light lines are drawn, no buildings outside of the proposal site are impacted by a material loss of light.

Overlooking - The proposed windows serving the three proposed units are 2 metres above ground level. Due to the access doors being at least 200 metres from a property there is not considered to be an overlooking aspect from the proposed buildings.

12. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Because the buildings are for non-residential purposes, there is not a requirement to raised finished floor levels to address potential flood risk. The submitted Flood Risk Assessment document states that a Flood Warning and Action Plan is to be created to protect workers on site. Surface water will be discharged to the existing adjacent watercourse to the south. Welland & Deepings Internal Drainage Board has requested an application to the Board for discharge of surface water to the adjacent watercourse. Anglian Water has requested a Condition seeking further foul water drainage details.

13. There are no impacts in this regard.

14. An existing row of established trees will be removed to facilitate the growth of the site. Should the application be approved a condition will be added to ensure that a planting scheme is provided to the new boundary lines to support biodiversity and help screen the eastern and southern boundaries.

15. There are no impacts in this regard.

Taking the proposals design, scale and nature of use into account, as detailed above, the proposed development is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area that would warrant the refusal of planning permission in this instance and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and section 12 of the National Planning Policy Framework.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio - Other Employment Areas

This proposal is also assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio, given its relationship to economic growth and development of employment related proposals. The relevant section of Policy 7 is titled Other Employment Areas and this section states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of

previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

When assessed against the relevant criteria the following can be observed:

a. The development does not conflict with neighbouring land uses.
b. There is no significant adverse impact upon the character and appearance of the area.
c. The design is responsive to the local context.
d. There will be no significant adverse impact on the local highway network.
e. There will be no significant adverse impact upon the viability of delivering any allocated employment site.
f. Proposals maximising opportunities for modal shift away from the private car are not demonstrated by this proposal. However, the requisite increase in parking spaces has been provided, and the Highways Officer has observed that a public footpath to serve the site cannot be realistically delivered.
g. There is an identified need for the business location outside of identified employment areas on the Policies Map. This is because there is an existing successful business on site which seeks to expand and subsequently increase employment in the area.

In light of this, along with the details outlined further above within the report, it is considered that the proposal appropriately accords with Policy 7 of the South East Lincolnshire Local Plan.

PLANNING BALANCE

There are no sections within the SELLP or NPPF that directly address the loss of agricultural land. However, whilst the loss of agricultural land in a primarily rural based economy is not desirable it is considered that the expansion of an existing business and the associated benefits it would bring to the local economy, in this instance given the matters raised above, outweigh the loss of what is comparatively a small amount of land in the local context.

CONCLUSION

This application is considered to be able to broadly accord with Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 & 12, and Paragraphs 81, 84 and 85 of the National Planning Policy Framework, 2021.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity,

race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

This application is recommended for approval.